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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/799,092	03/12/2004	Jason P. Snider	CL-23008 (104200-236)	7596

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EXAMINER
KIM, YOON YOUNG

ART UNIT	PAPER NUMBER
1723	

DATE MAILED: 03/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/799,092	SNIDER ET AL.	
	Examiner	Art Unit	
	Yoon-Young Kim	1723	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 June 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>06/10/04</u> . | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

2. Claims 1-7 and 9-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tarrant, Pub. No. US 2005/0061734 A1 in view of Holyoak, U.S. Patent No. 4,089,783.

Regarding Claim 1, Tarrant discloses a fluid filter comprising a shell (#316) having an open end, an end plate closing the open end of the shell, the end plate having inlet opening means (#300) and outlet opening means (#302, 304, 306, 308, 310, 312, 314), a filter media (#500) retained in the shell, the filter media comprising an annular co-pleated member having at least two layers, a layer comprising a metal that

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sacrificially neutralizes the corrosive products in the fluid (Paragraph 6, 8). However, Tarrant does not disclose that the metallic layer is an outer layer. Holyoak teaches a multilayer fluid filter comprising a metallic outer layer (#14). It would have been obvious to one of ordinary skill in the art to modify Tarrant with the element of Holyoak in order to provide support for the filter medium (Col. 3, Lines 4-6).

Regarding Claim 2, Tarrant discloses that the metal is zinc (Paragraph 8).

Regarding Claim 3, Holyoak discloses that the inner layer is comprised of a cellulose material (Col. 2, Lines 28-31). It would have been obvious to one of ordinary skill in the art to modify Tarrant with the element of Holyoak because it is a filter media common in the filter art.

Regarding Claim 4, Tarrant discloses a fluid filter comprising a shell (#316) having an open end, an end plate closing the open end of the shell, the end plate having inlet opening means (#300) and outlet opening means (#302, 304, 306, 308, 310, 312, 314), a filter media (#500) retained in the shell, the filter media comprising an annular co-pleated member having at least two layers, a layer comprising a material that sacrificially neutralizes the corrosive products in the fluid (Paragraph 6, 8). However, Tarrant does not disclose a cellulose layer. Holyoak teaches a multilayer fluid filter comprising a layer comprised of a cellulose material (Col. 2, Lines 28-31). It would have been obvious to one of ordinary skill in the art to modify Tarrant with the element of Holyoak because it is a filter media common in the filter art.

Regarding Claim 5, Tarrant discloses that the metal is zinc (Paragraph 8).

Regarding Claim 6, Tarrant discloses that one layer is perforated to permit oil to pass there through (Paragraph 8).

Regarding Claim 7, Tarrant discloses that the perforations are in the form of slits (Paragraph 8).

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Regarding Claim 9, Tarrant discloses a fluid filter comprising a shell (#316) having an open end, an end plate closing the open end of the shell, the end plate having inlet opening means (#300) and outlet opening means (#302, 304, 306, 308, 310, 312, 314), a filter media (#500) retained in the shell, the filter media comprising an annular multilayer member having at least two layers, a layer comprising a metal that sacrificially neutralizes the corrosive products in the fluid (Paragraph 6, 8). However, Tarrant does not disclose that the metallic layer is an outer layer. Holyoak teaches a multilayer fluid filter comprising a metallic outer layer (#14). It would have been obvious to one of ordinary skill in the art to modify Tarrant with the element of Holyoak in order to provide support for the filter medium (Col. 3, Lines 4-6).

Regarding Claim 10, Tarrant discloses that the metal is zinc (Paragraph 8).

Regarding Claim 11, Holyoak discloses that the inner layer is comprised of a cellulose material (Col. 2, Lines 28-31). It would have been obvious to one of ordinary skill in the art to modify Tarrant with the element of Holyoak because it is a filter media common in the filter art.

Regarding Claim 12, Tarrant discloses a layer is comprised of a synthetic material (Paragraph 8).

Regarding Claim 13, Tarrant discloses that the layers are co-pleated (Paragraph 8).

Regarding Claim 14, Tarrant discloses a fluid filter comprising a shell (#316) having an open end, an end plate closing the open end of the shell, the end plate having inlet opening means (#300) and outlet opening means (#302, 304, 306, 308, 310, 312, 314), a filter media (#500) retained in the shell, the filter media comprising an annular multilayer member, a layer comprising a metal that sacrificially neutralizes the corrosive products in the fluid (Paragraph 6, 8). However, Tarrant does not disclose metallic outer

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and inner layers. Holyoak teaches a multilayer fluid filter comprising metallic outer and inner layers (#14). It would have been obvious to one of ordinary skill in the art to modify Tarrant with the element of Holyoak in order to provide support for the filter medium (Col. 3, Lines 4-6).

Regarding Claim 15, Holyoak discloses that the middle layer is comprised of a cellulose material (Col. 2, Lines 28-31). It would have been obvious to one of ordinary skill in the art to modify Tarrant with the element of Holyoak because it is a filter media common in the filter art.

Regarding Claim 16, Holyoak discloses that the middle layer is comprised of a synthetic material (Col. 2, Lines 28-34). It would have been obvious to one of ordinary skill in the art to modify Tarrant with the element of Holyoak because it is a filter media common in the filter art.

3. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tarrant in view of Holyoak as applied to Claim 6 above, and further in view of Decker, U.S. Patent No. 2,197,252.

Regarding Claim 8, Tarrant in view of Holyoak does not disclose louvers. Decker teaches a fluid filter comprising louvers (#59). It would have been obvious to one of ordinary skill in the art to modify Tarrant in view of Holyoak with the element of Decker because they are perforations common in the filter art.

Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yoon-Young Kim whose telephone number is (571) 272-2240. The examiner can normally be reached on 8:30-4:30, Mon-Fri.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wanda Walker can be reached on (571) 272-1151. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

YK
03/16/06


JOHN KIM
Primary PATENT EXAMINER